TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, November 24, 2015
7:00 PM

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Artificial Reef Project off El Prado Park (Steve d'Oliveira, Public Information Officer)

Public Information Officer Steve d'Oliveira advised that the County has identified an area near El Prado Park and close to shore as ideal for a coral reef project.

The primary purpose of the project would be to create more marine habitat by adding limestone boulders and/or reef balls constructed from marine-friendly materials, creating a vibrant artificial reef that would attract marine life and snorkelers. Funding is available through a grant of up to $60,000 provided by the State to Broward County each year, which would be matched through funds from the Town's budget for a total project of $120,000. The County has pledged to help the Town apply for this grant. Copies of the grant application would be sent to State and federal sources simultaneously; the State typically makes a decision within four to six months, while the Army Corps of Engineers could take longer to make a decision.

Costs are approximately $200 per ton for reef balls, while limestone boulders cost $120 per ton including deployment costs. Public Information Officer d'Oliveira advised that Broward County strongly recommends the use of limestone boulders, which may be anchored to the sand. Staff recommends we utilize the most cost-efficient materials at the time of construction; as an alternative, the Town may also choose to advance a smaller project using reef balls. He could not currently estimate the size of the proposed project.

Public Information Officer d'Oliveira clarified that the project would be located in roughly 10 to 12 ft. of water, with boulders below 5 ft. in height. He also stated the Town cannot apply for grant funds until permits are issued.

At this time Mayor Sasser opened public comment on the Item, which he closed upon receiving no input.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to authorize Staff to apply for State and federal permits for the proposed artificial reef project. Motion carried 5-0.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Jerry Sehl, resident, stated that the recent Kiwanis Club Arts and Crafts Show raised funds that were used to purchase turkeys and gift cards during the holidays. He thanked the Town for its participation in the event. He also addressed the topic of electronic screens in business windows, stating that the Town could retain some control of what is presented on these screens.

Eric Yankwitt, resident, advised that on Thanksgiving Day, from 11 a.m.-2 p.m. in Jarvis Hall, members of the community are invited to enjoy a holiday dinner with music and entertainment. Last year's event served approximately 350 people.

Edmund Malkoon, resident, pointed out that there is one palm tree on a corner near Wings which should be replaced, as well as a dead tree near the seating area. He requested confirmation that no red lights would be placed along Commercial Boulevard.

As there were no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

7. PUBLIC SAFETY DISCUSSION

None.

8. TOWN MANAGER REPORT

a. October Finance Report (Tony Bryan, Finance Director)

The Commissioners accepted the report without comment.

b. Town Manager Report (Connie Hoffmann, Town Manager)

Town Manager Connie Hoffmann advised that the trees to which Mr. Malkoon had referred are located on private property. The Town has informed the property owner that the dead tree must be removed and replaced. She also answered that there will not be red turtle lighting west of A1A on Commercial Boulevard.

She continued that the County has been provided with 30 days' notice that the Town does not want buses to continue their layover on El Mar Drive, as they are damaging the sidewalk, contributing to noise and exhaust pollution, and failing to comply with Town requests.

Town Manager Hoffmann also reported that the owner of the Majestica Apartments had signed and executed an agreement to sell at the slightly lower price as discussed at the last Commission meeting. A public hearing to discuss the prospective purchase of the property is scheduled for December 8, 2015.

Town Manager Hoffmann clarified that resident Jerry Sehl had referred to a discussion by the Planning and Zoning Board regarding the allowance of electronic screens as window signage. These screens enable merchants to show rotating views of merchandise and offers. The Planning and Zoning Board voted unanimously to recommend against allowing these signs. Staff concurs with this recommendation.

The Commercial Boulevard streetscape project is ongoing, with landscaping going in on Bougainvillea Drive. The bricklayers are laying the sidewalk from the Ocean Mist pub eastward using a different type of brick without the selected pattern. These bricks will be replaced with the correct pattern when it is available.

She reported that road closures have been delayed due to rainy weather and will occur Sunday through Wednesday after 8 p.m. during the first week of December, with the exception of the first night of Christmas-By-The-Sea, on which day the closure will be delayed until 10 p.m. This information will be sent to residents via a Code Red telephone call.

Christmas-By-The-Sea begins on Wednesday, December 2, 2015, at 5:30 p.m. The event lasts until 9:30 p.m. Commercial Boulevard east of A1A will be closed in the afternoon, and portions of El Mar Drive will be closed after 1 p.m. All are invited to attend this annual event.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

a. **October 27, 2015 Commission Workshop Minutes (Tedra Smith, Town Clerk)**

b. **October 27, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

c. **November 3, 2015 Special Commission Meeting Minutes (Tedra Smith, Town Clerk)**

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

11. CONSENT AGENDA

a. **Purchase of SCBAs (Self-Contained Breathing Apparatus) for VFD (Tony Bryan, Finance Director)**

Commissioner Dodd recognized the Volunteer Fire Department for securing a discount on this equipment, which is critical for their safety as well as the safety of any individuals they may rescue.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

b. **Special Event Application for Pro Footvolley Tournament Event Proposed for Friday, Saturday, and Sunday, February 12-14, 2016 (Bud Bentley, Assistant Town Manager)**

Commissioner Dodd advised that he is in favor of this and similar events, as they provide nationally televised exposure for the Town. He suggested that Staff be given the option of opening the north section of El Mar Drive to parking if necessary. Commissioner Brown agreed, advising that Staff ensure all stands for the event are set up properly to ensure the safety and comfort of spectators. Town Manager Hoffmann replied that bleachers are inspected by the Fire Marshal to ensure that they are acceptable.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve, with the option of opening the north section of El Mar Drive for parking if necessary. Motion carried 5-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

a. Town Manager Evaluation (Tedra Smith, Town Clerk)

Town Clerk Tedra Smith advised that Town Manager Hoffmann's annual evaluation was included in the Commissioners' backup materials. Her overall rating is 4.74 out of a possible 5, which Mayor Sasser characterized as exemplary.

Commissioner Dodd noted that the Town Manager has not received a salary or merit increase in approximately six years, and recommended that she be recognized for her continuing contributions to the Town through a pay raise. Mayor Sasser suggested that this be made a future Agenda Item for further discussion. Town Manager Hoffmann acknowledged the hard work and support of Town Staff as contributing greatly to her performance.

b. Time Extension Application to Complete Construction from the Leisure Mar Condo, 4540 N Ocean Drive (Linda Connors, Development Services Director)

Development Services Director Linda Connors advised that this request is for an extension on waterproofing and concrete repairs. The Applicant was able to complete the project before the original estimated completion date of December; however, the six months' construction permit expired on November 6, 2015, which means the Applicant would be fined $50 per day unless their permit is extended until November 23, 2015. It was noted that the Applicant altered the time of their work due to construction noise, beginning at 9 a.m. and ending at 4:30 p.m.

Vice Mayor Vincent recommended that all fees accrued by the Applicant be waived in consideration for their efforts. It was noted that granting the extension would automatically waive the fines, as the final inspection of the property has already been passed.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to grant the extension to November 23. Motion carried 5-0.

c. Planning for LBTS's Future (Connie Hoffmann, Town Manager)

Town Manager Hoffmann recalled that the Commissioners had requested she address an Item in their work plan which refers to planning for the Town over the next five to 10 years. As backup, she has provided an update of progress on the existing Strategic Plan, noting the vast majority of items in that plan had been completed. She requested direction from the Commission regarding whether or not they wish to undertake a full visioning process, or if they simply wish to hear public input on planning and quality of life regarding topics not previously addressed by the Town.

Mayor Sasser advised that he wished to focus on residential areas and the Town Hall property, establishing long-term goals for both. He added that because significant improvements have been made to public and commercial areas, the next focus should be on residential areas. He pointed out that the Town is currently debt-free, and emphasized the need to identify long-term goals that do not require debt for the Town.

Commissioner Brown stated that he would like to establish a citizens' committee for discussion of these goals. He noted that any such committee should reflect a broad, diverse membership of approximately 15 individuals, selected from applications received from Town residents and business owners.

Commissioner Sokolow advised that he has participated in several visioning processes, which can be time-consuming and expensive. He noted that he was not in favor of bringing in a consultant to assist with this process, and that he was in favor of Commissioner Brown's suggestion of a committee with broad membership. Commissioner Dodd stated that he favored the approach of determining individual topics and inviting public input on them over the selection of a new committee. Vice Mayor Vincent agreed with the focus on residential areas proposed by Mayor Sasser, as well as the public forum approach suggested by Commissioner Dodd.

Town Manager Hoffmann observed that it has been difficult in the past to generate a great deal of creative input through a committee, and that individuals not on that committee feel they have less ownership of the topics than the committee members. She cautioned that this process may not ultimately be sufficiently inclusive, and recommended a more informal charrette process.

Commissioner Sokolow also advised that there may be ideas in addition to residential areas and the Town Hall property that individuals wish to address. He recommended leaving the topics open at first in order to consider all public input.

Town Manager Hoffmann agreed that the first public forum could focus on determination of topics, with meetings to follow that focused on individual topics. She estimated that the process could take four months to complete, and recommended that it begin in

January 2016. Once ideas are fleshed out, an implementation committee could be empaneled to guide the process. She concluded that she would provide the Commissioners with a proposed schedule at a subsequent meeting.

d. Possible Referendum Question on March 15, 2016 Ballot Regarding Land Acquisition (Commissioner Stuart Dodd)

Mayor Sasser opened public comment.

Barbara Cole, resident, stated that while she is not personally in favor of the purchase of the Majestica Apartments site. She stated she has talked with several residents on both sides of this issue. She recommended that there be a referendum on the March 15, 2016 ballot regarding the possibility of erecting a parking garage on any Town-owned property in order to inform the Commission of where the public stands on this issue.

As there were no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Commissioner Dodd explained that he hoped to hear open discussion by the Commission on this issue, which he characterized as separate from the issue of the purchase of the specific property to be discussed on December 8. A referendum would address the desirability of a multi-story, free-standing parking garage anywhere in the Town other than on the Town Hall site without prohibiting the addition of parking as part of new retail, hotel, or other private development.

In order to meet the necessary deadlines for a March 2016 referendum, the Commission must pass an Ordinance to this effect on first reading by December 8, 2015, to be followed by a special meeting later in the month for its second reading.

The Commissioners discussed the Item, with Commissioner Brown stating that he supported a referendum for a garage on the A1A site, but did not feel there should be discussion of other sites at this time. He pointed out that the Town may have the opportunity to acquire other parcels for this use in the future.

Commissioner Sokolow stated that the future planning process discussed under Item 13c would provide an opportunity for residents to make their thoughts heard on this issue. He felt discussion of a referendum was premature, and that the exemption of the Town Hall property did not make sense. He also felt a more representative vote would occur at the November 2016 election rather than in March, as turnout would be significantly greater. He concluded that he was not in favor of either construction of a parking garage within the next year in Town or a referendum on the issue.

Vice Mayor Vincent observed that all the Commissioners have stated their opposition to construction of a parking garage at this time, and agreed that the proposed referendum was rushing the issue. He also felt it would be unwise to make an exception for the Town Hall property, as the most appropriate site for a parking garage would be Downtown.

Mayor Sasser pointed out that under the restrictions of the State's Sunshine Law, the Commissioners may not discuss Town business between themselves outside of a public meeting. He asked Commissioner Dodd for greater clarification of the issue. Commissioner Dodd replied that his intent in placing the Item on tonight's Agenda was to meet the deadlines for a March referendum. He concluded that he has not changed his opinion on the prospective purchase of the Majestica site.

14. COMMISSIONER COMMENTS

Commissioner Dodd advised that the next meeting of the Coastal Oceans Task Force is scheduled for January 22, 2016.

Commissioner Brown thanked all involved with the recent Veterans' Day celebration, which had strong turnout. He recognized the Honor Guards of the Volunteer Fire Department and the Broward Sheriff's Office, Major Chuck Clark, Reverend James Corgee, and residents Gene O'Neill, Ron Piersante, and Angela Perano. He thanked the Staff members who assisted with the event as well. He recommended the veterans' service organization Mission United to any veterans in need of assistance with housing, legal issues, or medical issues.

Commissioner Brown also noted that the Fort Lauderdale City Commission has approved the extension of Sun Trolley service into Lauderdale-By-The-Sea. Service is free of charge and will begin on December 1, 2015. He encouraged all residents to access this service, and advised that the Sun Trolley offers a mobile app that can provide more information on its route and hours of operation.

Mayor Sasser thanked all Staff and participants who made the Veterans' Day event a success.

15. ORDINANCES – PUBLIC COMMENTS

Ordinances 1st Reading

i. **Ordinance 2015-21 – AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII, SIGN REGULATIONS, TO AMEND THE LEGISLATIVE FINDINGS, REGULATIONS, AND PROHIBITIONS APPLICABLE TO SIGNAGE, REVISE SIGN REQUIREMENTS AND STANDARDS, SIGN REGULATIONS BY SIGN TYPE AND BY ZONING**

DISTRICT, AND DEFINITIONS: PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)

Mayor Sasser opened public comment, which he closed upon receiving no input.

Development Services Director Connors explained that a recent court case resulted in a change in the Town's philosophy regarding these signs: instead of referring to content-based signs, Code now refers to types of signs without specification of content. Categories dealing with political signs were deleted, and Code now refers to commercial and non-commercial signs. In residential areas, the size of allowable non-commercial signs has been reduced from 16 ft. to 4 sq. ft. These signs are now permanently allowed on residential property.

Town Attorney Trevarthen continued that in addition to this permanent non-commercial signage, additional square footage will be allowed during the 90 days preceding and seven days following an election, which may not exceed a cumulative total of 12 additional sq. ft. per frontage within residential districts or 21 additional sq. ft. in commercial districts. It was confirmed that zoning Code would be examined to ensure it includes a definition of the term "frontage."

The second reading of this Ordinance is scheduled for December 8, 2015.

Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve. Motion carried 5-0.

ii. Ordinance 2015-22 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION," SECTION 2-17, "MEETING TO SEAT NEW MEMBERS" OF THE TOWN CODE OF ORDINANCES TO MODIFY THE TIME FOR NEWLY ELECTED OFFICIALS TO ASSUME THE DUTIES OF ELECTED OFFICE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE (Linda Connors, Development Services Director)

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to adopt. Motion carried 5-0.

Ordinances 2nd Reading

i. **Ordinance 2015-14 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPROVING THE 2015 RESTATED SOLID WASTE AND RECYCLABLE COLLECTION FRANCHISE AGREEMENT WITH WASTE PRO USA, INC.; AUTHORIZING A ONE YEAR EXTENSION OF THE FIRST RENEWAL TERM TO NOVEMBER 30, 2016; AUTHORIZING THE EXECUTION OF THE 2015 RESTATED FRANCHISE AGREEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Bud Bentley, Assistant Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

ii. **Ordinance 2015-16 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, "BEACHES AND WATERWAYS," OF THE CODE OF ORDINANCES, BY AMENDING ARTICLE III, "BOAT REGULATIONS," TO CLARIFY TERM USAGE AND PROHIBITION OF CERTAIN ACTIVITIES RELATED TO WATERCRAFT USAGE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE (Linda Connors, Development Services Director)**

Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Brown commented that the Ordinance addresses some of the concerns raised by residents of the Silver Shores community, including individuals sleeping aboard vessels and other disruptive activities.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

16. RESOLUTIONS – PUBLIC COMMENTS

a. **Resolution 2015-46 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING THE 2015/2016 FISCAL YEAR BUDGET IN ACCORDANCE WITH THE ATTACHED EXHIBIT "A"; AUTHORIZING APPROPRIATIONS AND EXPENDITURES IN ACCORDANCE WITH THE 2015/2016 FISCAL YEAR BUDGET AS AMENDED; PROVIDING**

FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE (Tony Bryan, Finance Director)

Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

b. **Resolution 2015-49 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANTS PROGRAM THROUGH BROWARD COUNTY FOR THE FISCAL YEAR 2016/2017; PROVIDING FO REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Brown noted that the proposed grant funds would be used to help fund the Town's Community Center. He spoke highly of the programming offered by the Center and urged all residents to take advantage of the programs it offers.

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 8:44 p.m.

Mayor Scot Sasser

ATTEST:

Town Clerk Tedra Smith

1/12/16
Date